REMARKS

This is a response to the Final Office Action dated December 18, 2007. By this paper, claims 1-43 remain pending; claim 25 remains withdrawn; and claims 1, 4, 11, 16, 22-24, 27, and 38 are amended. No new matter is added by virtue of these amendments. Claims 1-7, 11-13, 16-24, and 26-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0083067 ("Tamayo") in view of U.S. Patent No. 7,054,828 ("Heching"). The Applicants respectfully submit that each of the pending claims is in condition for allowance as Tamayo in view of Heching fail to teach all of the features of the claims.

REJECTIONS UNDER 35 U.S.C. § 103(a)

A. Independent Claims 1, 11, 16, and 38

All the independent claims were amended by adding the term "aggregate" at various locations to clarify that it is with respect to the aggregate on-line interest data that "on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled." This modeling feature then provides the groundwork for predicting aggregate behavior or economic activity of a population related to a subject or a product. Below are the corresponding amendments to "the modeling" in each independent claim.

Claim 1:

> providing a modeling system configured to model aggregate behavior of a population as a function of aggregate on-line interest data, . . . wherein the on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled.

Claim 11:

> a modeling system configured to model aggregate behavior of a population as a function of aggregate on-line interest data, . . . wherein the on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled.

Claim 16:

> providing a modeling system configured to model aggregate economic activity of a type of product as a function of aggregate on-line interest data related to products comprising the type, . . . wherein the on-line aggregate behavior is related to, but different than, the aggregate economic activity to be modeled.

Claim 38:

> a modeling system configured to model aggregate economic activity of a type of product as a function of aggregate on-line interest data related to products comprising the type, . . . wherein the aggregate on-line behavior is related to, but different than, the aggregate economic activity to be modeled.

The language absent in each of the above elements, denoted by (. . .), reads "wherein the aggregate on-line interest data is based on passive observation of on-line behavior of a subpopulation," or in other words, language that further modifies what is meant by "aggregate online interest data."

The Applicants respectfully submit that both Tamayo and Heching fail to disclose "wherein the on-line aggregate behavior is related to, but different than, the aggregate behavior [economic activity] to be modeled" where the online aggregate behavior is "a function of aggregate on-line interest data." Because aggregate behavior is a function of aggregate on-line interest data within the modeling that takes place, one cannot simply separate "aggregate behavior" from "is related to, but different than, the aggregate behavior [economic activity] to be modeled" when analyzing the claims because they are inextricably linked. The Final Office Action attempts to do just that.

The Office Action, in the Response to Arguments, "acknowledges that Tamayo et al. does not teach predicting aggregate behavior (1 and 11) or [aggregate] economic activity (16 or 38)." Page 2, ¶ 2. On page 3, Heching is then relied upon to disclose "predicting aggregate behavior and population estimates for a population based on data obtained from a subset of the population and predicting aggregate behavior of the population related to the subject." This sentence does not appropriately track the claim language. It parses out the last element of the independent claims (the "generating prediction") and then parses out just the language from the modeling element that Heching is purported to teach. This approach chops the "is related to, but different than, the aggregate behavior [economic activity] to be modeled" from the defined term "aggregate behavior." The Office Action clarifies that "[i]t is important to note that Heching et al. was not relied upon to teach predicting based on data that is related to, but different than, the activity to be modeled." Page 3. The Applicants, therefore, understand that the only claim language purported to be disclosed in Heching is the term "aggregate behavior" in conjunction with "prediction" in a population. Again, using

Heching in this way improperly dissects claim language that in inextricably linked and/or within the same phrase.

Accordingly, the Applicants respectfully submit that Tamayo fails to disclose "wherein the on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled." The independent claims all define "aggregate behavior" as a function of aggregate on-line interest data. Tamayo further fails to disclose "generating . . . a prediction of aggregate behavior [or economic activity] of the population related to the subject" or product, as conceded to in the Office Action on page 3. Note that the language in the modeling element refers to "aggregate behavior to be modeled," which ties directly to the generating element that predicts the aggregate behavior "related to the subject" or product. Accordingly, the modeling and the generating prediction elements are also linked, and Tamayo fails to disclose both.

Furthermore, the Applicants respectfully submit that Heching fails to disclose "wherein the on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled," to which the Office Action concedes on page 3. Specifically, Heching discloses estimating a population response of a given subject based on a point estimate of that same subject, e.g., it discloses extrapolative prediction of a response by the entire population based on a random sampling of that population related to the same subject. See Col. 4, lines 10-19 and 39-64. The example in Heching is predicting the average annual income for the entire population (N) based on n responses collected to the inquiry of annual income. Heching, therefore, fails to teach that "the on-line aggregate behavior is related to, but different than, the aggregate behavior to be modeled."

Accordingly, for at least the above reasons, the Applicants respectfully submit that claims 1, 11, 16, and 38 are patentable in view Tamayo in view of Heching, and respectfully request the rejection to be withdrawn.

B.   Dependent Claims

Dependent claims 2-7, 12-13, 26-37, and 39-43 depend, either directly or indirectly, from independent claims 1, 11, 16, and 38 and should be allowed for the reasons set out above for the independent claims.

Pending claims 1-24 and 26-43, as amended, are patentable. Applicant respectfully requests the Examiner grant allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

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